

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

No. CR-07-0711 MMC

Plaintiff

v.

**ORDER RE: DOCUMENTS SUBMITTED
FOR FILING UNDER SEAL**

OSCAR ERNESTO ROMERO-ROMERO,
JR.,

Defendant

The Court is in receipt of defendant's submission of June 11, 2008, consisting of four documents to be filed under seal, specifically, Exhibits A through D to the Declaration of Jodi Linker in support of defendant's motion to dismiss the indictment.

As indicated in the Court's Order of June 11, 2008, "pursuant to Rule 55-1(b) of the Criminal Local Rules, no document may be filed under seal except pursuant to a Court Order that authorizes the sealing of the particular document, or portions thereof." (See Stipulation and Protective Order at 3:17-19.) Defendant has not sought or obtained such an order, and, in the absence thereof, the documents submitted by defendant may not be filed under seal.

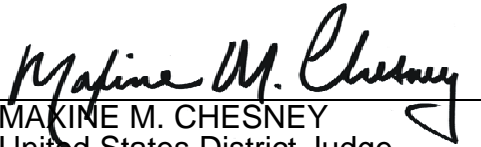
Accordingly, if defendant wishes to file the above-referenced documents under seal, defendant shall file, no later than June 23, 2008, an administrative motion for a sealing

1 order in compliance with the Local Rules of this District. See Criminal L.R. 55-1(b)
2 (incorporating, with exception of subsection (e), provisions of Rule 79-5 of the Civil Local
3 Rules regarding filing of documents under seal); Civil L.R. 79-5(d) (providing, where party
4 seeks to file under seal any material designated as confidential by another party, submitting
5 party must file administrative motion for sealing order).

6 Within five days of the filing of such motion, plaintiff, as the party designating the
7 documents as confidential, "must file with the Court and serve a declaration establishing
8 that the designated information is sealable, and must lodge and serve a narrowly tailored
9 proposed sealing order, or must withdraw the designation of confidentiality." See Civil L.R.
10 79-5(d). "If the designating party does not file its responsive declaration as required by this
11 subsection, the document or proposed filing will be made part of the public record." Id.

12 **IT IS SO ORDERED.**

13 Dated: June 17, 2008

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15 MAKINE M. CHESNEY
16 United States District Judge
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